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10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE DISTRICT OF ARIZONA**

13	Mi Familia Vota,)	
14		)	Case No. CV-22-00509-SRB (Lead)
15	Plaintiff,)	
16		)	DEFENDANT ARIZONA COUNTY
17	vs.	)	RECORDERS' REPLY IN SUPPORT
18		)	OF DEFENDANTS' FIRST
19	Adrian Fontes, et.al.,	)	REQUEST FOR EXTENSION OF
20		)	TIME TO RESPOND TO
21	Defendants.	)	PLAINTIFF'S FIRST REQUEST FOR
22		)	PRODUCTION OF DOCUMENTS
23		)	AND FIRST SET OF
24		)	INTERROGATORIES
25)	

21 “District courts have ‘wide latitude in controlling discovery, and [their] rulings
22 will not be overturned in the absence of a clear abuse of discretion.’” *California v.*
23 *Campbell*, 138 F.3d 772, 779 (9th Cir. 1998).

1 Plaintiff served its discovery on the nominal party County Recorder Movants
2 during the holidays. This hindered the ability of the Movants to work with their staff
3 and employees to gather the materials and formulate responses. Plaintiff then refused to
4 permit an extension requested by all of the counties and it opposes the motion to modify
5 the discovery response deadlines. The Court has broad discretion to grant a reasonable
6 request such as that made by Movants for a modest extension of discovery deadlines.
7

8 In Arizona, attorneys are bound by a Creed of Professionalism that includes Rule
9 41(c)(B)(3):
10

11 In litigation proceedings, I will agree to reasonable requests for extensions of
12 time or for waiver of procedural formalities when the substantive interests of
my client will not be adversely affected.

13 Plaintiffs' out-of-state attorneys at Latham & Watkins may not be Arizona
14 attorneys. However, the Arizona Creed of Professionalism is a useful reference. It
15 points up the fact that Plaintiff has not shown that its client would suffer any actual
16 prejudice from an order extending the response deadlines. Rather, Plaintiff engages in
17 speculation to manufacture an argument that there is an extreme urgency to its requests.
18 The Court should not give great weight to these arguments because Plaintiff admits that
19 real party in interest Arizona Secretary of State has assured Plaintiff that it is not
20 implementing the statutes in question at this time. (Dkt. 221 at 2). Plaintiff omits to
21 inform the Court that counsel undersigned stated to him in its phone conference that
22 Cochise County also has not put any implementing policy in place and had taken no
23 action based on the statutes at issue. For the Cochise County Recorder, and for all of the
24
25

1 counties, future direction on these laws will come from the Arizona Secretary of State –
2 the real party in interest – which has stated it is not implementing the statutes.

3 The Counties are in the process of developing their responses and as Plaintiff
4 acknowledges continue to seek to work in good faith with the Plaintiff. The Movants
5 request for a scheduling adjustment is reasonable and ought to be granted.
6

7 RESPECTFULLY SUBMITTED this 18th day of January 2023.

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CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of January 2023, I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the District of Arizona using the CM/ECF filing system. Counsel for all parties who have appeared are registered CM/ECF users and will be served by the CM/ECF system pursuant to the notice of electronic filing:

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